WMC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT -9 AM 10: 02

UNITED STATES OF AMERICA, Plaintiff, v. **Guillermo ALVIZAR-Gonzalez** Defendant.	)	Magistrate Case No. '07 MJ 2391
	)	COMPLAINT FOR VIOLATION OF
	)	Title 8, U.S.C., Section 1326 Attempted Entry After Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about October 6, 2007, within the Southern District of California, defendant **Guillermo ALVIZAR-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the Otay Mesa Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF OCTOBER 2007.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Jacob James, declare under penalty of perjury the following to be true and correct:

On October 6, 2007 at approximately 2:00 P.M., a male later identified as **Guillermo ALVIZAR-Gonzalez (Defendant),** attempted to enter the United States from Mexico via the Otay Mesa California Port of Entry. Defendant presented an I-551 Permanent Resident Card bearing his photograph and biographical information previously issued to him. Defendant stated to a Customs and Border Protection (CBP) Officer that he was returning home to San Fernando, California. CBP Officer queried the I-551 presented by Defendant on the Interagency Border Inspection System (IBIS) and received a positive response. CBP Officer escorted Defendant to secondary for further inspection.

During secondary inspection Defendants fingerprints were queried using Integrated Automated Fingerprint Identification System (IAFIS). IAFIS produced a positive response indicating the Defendant was inadmissible. Defendant was referred to the Otay Mesa Port Enforcement Team.

Otay Mesa Port Enforcement Team conducted further queries utilizing the Immigration Central Index System (CIS) and Deportable Alien Control System (DACS) confirming Defendant is a citizen of Mexico with no legal documents to enter the United States. DACS revealed Defendant was deported before an Immigration Judge on or about April 28, 2003 and was reinstated to Mexico on October 01, 2007. Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.

EXECUTED ON THIS 6th DAY OF October 2007 AT 2100.

Jacob James / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on October 6, 2007 in violation of Title 8, United States Code, Section 1326.

MAGISTRATE JUDGE

10/7/07 - 140Am
DATE / TIME